



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

08/902,449 07/29/97 CHEATHAM J TMI-1

G DONALD WEBER JR
333 CITY BLVD WEST
SUITE 1610
ORANGE CA 92868

PM21/0512

EXAMINER

HAMILTON, C

ART UNIT

PAPER NUMBER

3612

DATE MAILED:

05/12/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/902,449

Applicant(s)

Cheatham et al.

Examiner

Clovla Hamilton

Group Art Unit

3612



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above, claim(s) 6 and 10-12 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3612

TITLE

One Piece Skate Chassis

DETAILED ACTION

Election/Restriction

1. Claims 6 and 10-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected Species I and Group II, the requirement having been traversed in Paper No. 3.
2. Applicant's election with traverse of Species II in Paper No. 3 is acknowledged. The traversal is on the ground(s) that Claims 1-9 are not drawn to a process and that the Species I and II are not patentably distinct.

The examiner agrees to the applicant's admission that Species I and II are obvious variants. Therefore, the election of species requirement dated 4-7-98 is hereby withdrawn.

The examiner agrees with applicant's remarks that Claims 1-9 are drawn to a product. Therefore, the restriction requirement dated 4-7-98 is hereby modified.

However, Group II is a process of making the product. Claims 10-12 are clearly drawn to a process of manufacturing which has acquired a separate status in the art as shown by its different classification.

The requirement is still deemed proper for the reasons set forth in the last office action and is therefore made FINAL.

Art Unit: 3612

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin '740.

Relative to Claim 1, Lin shows in Figures 1-3 a skate chassis with a bottom and a pair of sides (22) "integrally formed" at the bottom edge with the bottom, as broadly recited. Please note that the phrase "integrally formed" is interpreted broadly to mean 'completing and continuing the structure'. See *Advanced Cardiovascular Systems v. Scimed Life Systems Inc.*, 12 USPQ 2d (Fed Cir. 1989).

Lin also shows a plurality of flanges (21) "integrally formed", as broadly recited and interpreted, at the top edge of the sides. Figure 3 shows axle supports formed in the sides.

With respect to Claim 2, Figure 3 shows an "integral" spacer means (10).

With regard to Claim 3, the bottom includes a plurality of elongated apertures (51) for receiving skate wheels.

Relative to Claim 4, the flanges include fastener apertures (310).

With respect to Claim 5, the Lin sides are substantially parallel to each other.

With regard to Claim 7, Lin has a spacer (10) "integrally formed" and attached with the sides.

Art Unit: 3612

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin '740 in view of Myers et al. '536.

The primary reference Lin teaches substantially all of the claimed subject matter except an embossment, as broadly recited and interpreted to be a raised surface.

The secondary reference Myers teaches an embossment on a side (see Column 6, Lines 21-18).

It would have been obvious to one of ordinary skill in the art to have modified the Lin chassis to include an embossment as taught and positively suggested by Myers to increase the torsional strength of the body; to resist torsional flexing; and to generally enhance the structural strength allowing the chassis to maintain a suitable structural integrity.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin '740 in view of Meibock et al. '085.

The primary reference Lin teaches substantially all of the claimed subject matter except a gusset, as broadly recited and interpreted to be an insert for strengthening, between the flange and one side.

Art Unit: 3612

The secondary reference Meibock teaches a chassis with a gusset to provide structural integrity between a base and frame rails (15, see Column 6, Lines 44-47).

It would have been obvious to one of ordinary skill in the art to have modified the Lin chassis to include a gusset as taught and positively suggested by Meibock to provide for strengthening the structural connection between the flange and side rail.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myers et al. '536 shows a chassis in Figure 2 with channels, flannels and integral components. Petell et al. '360 shows an integral wheel frame in Figures 6A-B and 7.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clovia Hamilton whose telephone number is (703) 308-2183.

CAH

May 8, 1998



5/18/98

**D. GLENN DAYOAN
PRIMARY EXAMINER
GROUP 310**